

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

CARLOS RUBEN RUIZ ORTIZ
DEBTORS

CASE NO. 19-04967 EAG
CHAPTER 13

**DEBTOR'S MOTION AND NOTICE OF FILING OF POST-CONFIRMATION
MODIFICATION OF CHAPTER 13 PLAN 11 USC §1329**

TO THE HONORABLE COURT:

COMES NOW, CARLOS RUBEN RUIZ ORTIZ, the Debtor in the above captioned case, through the undersigned attorney, and very respectfully state and pray as follows:

1. The DEBTOR is hereby submitting a post-confirmation modification of Chapter 13 Plan, 11 USC Section 1329, dated November 27, 2023, herewith and attached to this motion.
2. This Plan modification is filed to **amend Part 2, Section 2.1 to provide for a new payment schedule as per the payments made by the Debtor to the Trustee (the Plan base remains the same)**, Part 2.4 to provide for an additional payment in the sum of \$1,500 to cure certain arrears in the Debtor's previous confirmed Plan and Part 4, Section 4.3 to request payment of attorney's fees for post confirmation work performed in the above captioned case.

NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 3015(f)

Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY, that on this same date a copy of this Notice was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee, and all CM/ECF participants; I also certify that a copy of this notice was sent via regular mail to the Debtor and to all creditors and interested parties appearing in the master address list, hereby attached.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 27th day of November, 2023.

/s/Roberto Figueroa Carrasquillo
USDC #203614
RFIGUEROA CARRASQUILLO LAW OFFICE PSC
ATTORNEY FOR the DEBTOR
PO BOX 186 CAGUAS PR 00726
TEL NO 787-744-7699 787-963-7699
Email: rfc@rfigueroalaw.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In Re:
CARLOS RUBEN RUIZ ORTIZ
xxx-xx-6326

Puerto Rico Local Form G

Chapter 13 Plan dated November 27, 2023.

Case No.:

Chapter 13

Check if this is a pre-confirmation amended plan

Check if this is a post confirmation amended plan

Proposed by:

Debtor(s)

Trustee

Unsecured creditor(s)

If this is an amended plan, list below the sections of the plan that have been changed.
 2.1; 2.4; 4.3

PART 1: Notices

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. The headings contained in this plan are inserted for reference purposes only and shall not affect the meaning or interpretation of this plan.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a timely proof of claim in order to be paid under this plan, unless ordered otherwise.

If a claim is withdrawn by a creditor or amended to an amount less than the amount already disbursed under the plan on account of such claim: (1) The trustee is authorized to discontinue any further disbursements to related claim; (2) The sum allocated towards the payment of such creditor's claim shall be disbursed by the trustee to Debtor's remaining creditors. (3) If such creditor has received monies from the trustee (Disbursed Payments), the creditor shall return funds received in excess of the related claim to the trustee for distribution to Debtor's remaining creditors. (4) If Debtor has proposed a plan that repays his or her creditors in full, funds received in excess of the related claim shall be returned to the Debtor.

The following matters may be of particular importance. Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

PART 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make payments to the trustee as follows:

PMT Amount	Period(s)	Period(s) Totals	Comments
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Debtor	CARLOS RUBEN RUIZ ORTIZ			Case number
	\$270.00 520.00	48 12	\$12,960.00 6,240.00	Additional payments in the sum of \$1,500.00
Subtotals		60	\$20,700.00	

Insert additional lines if needed

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Regular payments to the trustee will be made from future income in the following manner:

Check all that apply

- Debtor(s) will make payments pursuant to a payroll deduction order.
- Debtor(s) will make payments directly to the trustee.
- Other (specify method of payment): _____

2.3 Income tax refunds:

Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will comply with 11 U.S.C. § 1325(b)(2). If the Debtor(s) need(s) to use all or a portion of such "Tax Refunds," Debtor(s) shall seek court authorization prior to any use thereof.

2.4 Additional payments:

Check one.

- None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

- Debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.

The Debtor to paid make additional payment in the sum of \$1,500 from the Debtor's Christmas Bonus to cure accumulated arrears in the Debtor's previous confirmed Plan.

PART3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any.

Check one.

- None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- The Debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or directly by the Debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated, pro-rated unless a specific amount is provided below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the Debtor(s).

Name of Creditor	Collateral	Current installment payments (including escrow)	Amount of arrearage (if any)	Interest rate on arrearage (if any)	Monthly PMT on arrearage	Estimated total payments by trustee
Firstbank Puerto Rico	2016 Toyota Tacoma 4WD	\$515.00	\$540.75	0.00%	\$0.00	540.75
	Disbursed by:				Months Starting on Plan Month	
	<input type="checkbox"/> Trustee					
	<input checked="" type="checkbox"/> Debtor(s)					

Debtor	<u>CARLOS RUBEN RUIZ ORTIZ</u>		Case number				
Name of Creditor	Collateral	Current installment payments (including escrow)	Amount of arrearage (if any)	Interest rate on arrearage (if any)	Monthly PMT on arrearage	Estimated total payments by trustee	
World Financial Corporation	One (1) Water filter	\$125.00	\$262.02.00	0.00%	\$0.00	\$262.02	
		Disbursed by: <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor(s)			Months Starting on Plan Month		

Insert additional claims as needed.

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

Check one.

None. If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

Insert additional claims as needed.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

3.4 Lien Avoidance.

Check one.

None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral.

Check one.

None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

The Debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor(s) request that upon confirmation of this plan, the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor AEELA	Collateral AEELA dividends and deposit, POC #4-1.
Coop A/C Las Piedras	Coop Las Piedras Shares and deposits, POC #3-1.

Insert additional claims as needed.

3.6 Pre-confirmation adequate protection monthly payments ("APMP") to be paid by the trustee.

Payments pursuant to 11 USC §1326(a)(1)(C):

Name of secured creditor	\$ Amount of APMP	Comments
<u>None</u>		

Insert additional claims as needed.

Pre-confirmation adequate protection payments made through the plan by the trustee are subject to the corresponding statutory fee.

3.7 Other secured claims modifications.

Check one.

Debtor

CARLOS RUBEN RUIZ ORTIZ

Case number

None. If "None" is checked, the rest of § 3.7 need not be completed or reproduced.

PART 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may vary during the term of the plan, nevertheless are estimated for confirmation purposes to be 10 % of all plan payments received by the trustee during the plan term.

4.3 Attorney's fees

Check one.

Flat Fee: Attorney for Debtor(s) elect to be compensated as a flat fee for their legal services, up to the plan confirmation, according to LBR 2016-1(f).

OR

Fee Application: The attorneys' fees amount will be determined by the court, upon the approval of a detailed application for fees and expenses, filed not later than 14 days from the entry of the confirmation order.

Attorney's fees paid pre-petition:	\$ 132.00
Balance of attorney's fees to be paid under this plan are estimated to be:	\$ 3,868.00
If this is a post-confirmation amended plan, estimated attorney's fees:	\$ 500.00

4.4 Priority claims other than attorney's fees and those treated in §§ 4.5, 4.6

Check one.

None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

The Trustee shall pay in full all allowed claims entitled to priority under §507, §1322(a)(2), estimated in **\$1,488.00**

Name of priority creditor	Estimate amount of claim to be paid
Departamento de Hacienda	\$1,488.00

Insert additional claims as needed.

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

4.6 Post confirmation property insurance coverage

Check one.

None. If "None" is checked, the rest of § 4.6 need not be completed or reproduced.

The Debtor proposes to provide post-confirmation adequate protection to the secured creditors listed below by providing property insurance coverage.

Name of Creditor Insured	Insurance Company Trustee	Insurance Coverage Begining Date	Estimated Insurance Premium to be paid	Estimated total payments by
First Bank (POC #1-1)	Coop Seg Multiples	11/27/2019	\$74.83 per month/ \$898/year	

Distributed by:

Debtor

CARLOS RUBEN RUIZ ORTIZ

Case number

[] Trustee
 Debtor

PART 5: Treatment of Nonpriority Unsecured Claims**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. If more than one option is checked, the option providing the largest payment will be effective.

Check all that apply.

- The sum of \$11,382.60 .
 ____ % of the total amount of these claims, an estimated payment of \$____.
 The funds remaining after disbursements have been made to all other creditors provided for in this plan.
 If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$____.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

Check one.

- None. If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

5.3 Other separately classified nonpriority unsecured claims.

Check one.

- None. If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

PART 6: Executory Contracts and Unexpired Leases**6.1** The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one.

- None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

- Assumed items. Current installment payments will be disbursed either by the trustee or directly by the Debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the Debtor(s).

Name of creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Treatment of arrearage payments by (Refer to other plan section if applicable)	Estimated total payments by trustee
Marcos Rivera	<u>Residential property located at Urb Emajaguas No.33 Flamboyan St</u>	\$250.00	0.00		0.00

Disbursed by:
 Trustee
 Debtor(s)

Insert additional lines as needed.

PART 7: Vesting of Property of the Estate & Plan Distribution Order**7.1 Property of the estate will vest in the Debtor(s) upon**

Check the applicable box:

- Plan confirmation.

Debtor CARLOS RUBEN RUIZ ORTIZ Case number _____

Entry of discharge.
 Other: _____

7.2 Plan distribution by the trustee will be in the following order:

(The numbers below reflect the order of distribution; the same number means prorated distribution among claims with the same number.)

1. Distribution on Adequate Protection Payments (Part 3, Section 3.6)
1. Distribution on Attorney's Fees (Part 4, Section 4.3)
1. Distribution on Secured Claims (Part 3, Section 3.1) – *Current contractual installment payments*
2. Distribution on Post Confirmation Property Insurance Coverage (Part 4, Section 4.6)
2. Distribution on Secured Claims (Part 3, Section 3.7)
2. Distribution on Secured Claims (Part 3, Section 3.1) – Arrearage payments
3. Distribution on Secured Claims (Part 3, Section 3.2)
3. Distribution on Secured Claims (Part 3, Section 3.3)
3. Distribution on Secured Claims (Part 3, Section 3.4)
3. Distribution on Unsecured Claims (Part 6, Section 6.1)
4. Distribution on Priority Claims (Part 4, Section 4.4)
5. Distribution on Priority Claims (Part 4, Section 4.5)
6. Distribution on Unsecured Claims (Part 5, Section 5.2)
6. Distribution on Unsecured Claims (Part 5, Section 5.3)
7. Distribution on General Unsecured claims (Part 5, Section 5.1)

Trustee's fees are disbursed before each of the distributions above described pursuant to 28 U.S.C. § 586(e)(2).

PART 8: Nonstandard Plan Provisions

8.1 Check "None" or list the nonstandard plan provisions

None. If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

Each paragraph below must be numbered and labeled in boldface type, and with a heading stating the general subject matter of the paragraph.

The following plan provisions will be effective only if there is a check in the box included in §1.3.

8.2 This Section modifies LBF-G, Part 3: Retention of Lien:

The lien holder of any allowed secured claim, provided for by the Plan in its Part 3, will retain its lien according to the terms and conditions required by 11 USC 1325(a)(5)(B)(i)(I)& (II).

8.3 This Section modifies LBF-G, Part 2, Section 2.3: Income Tax Refunds to be used to fund the Plan:

Tax refunds will be devoted each year, as periodic payments, to fund the plan until the plan's completion. The tender of such payments shall deem the plan modified by such amount, increasing the base without the need of further Notice, Hearing or Court Order. If the Debtor(s) need(s) to use all or portion of such Tax Refunds, Debtor(s) shall seek Court's authorization prior to any use of funds.

8.4 This Provision Supplements Part 3 to provide for the Lifting of the 362(a) Stay:

Upon the confirmation of this plan the automatic stay pursuant to Section 362(a) will be lifted in favor of Pentagon Federal Credit Union, as to collateral a 2014 Toyota Corolla. The car loan is being paid directly to Pentagon Federal Credit Union by a 3rd party. The Trustee will make no disbursements to secured creditor Pentagon Federal Credit Union, without prejudice of creditor filing a deficiency claim in order to receive pro-rata distribution by the Trustee as an unsecured claim.

Insert additional lines as needed.

PART 9: Signature(s)

/s/Roberto Figueroa Carrasquillo
Roberto Figueroa-Carrasquillo
Signature of Attorney of Debtor(s)

Date November 27, 2023

Date _____

Debtor

CARLOS RUBEN RUIZ ORTIZ

Case number

By filing this document, the attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in Local Form G (LBF-G), other than any nonstandard provisions included in Part 8.

Label Matrix for local noticing

0104-3

Case 19-04967-EAG13

District of Puerto Rico

Old San Juan

Mon Nov 27 13:40:48 AST 2023

US Bankruptcy Court District of P.R.

Jose V Toledo Fed Bldg & US Courthouse

300 Recinto Sur Street, Room 109

San Juan, PR 00901-1964

(p) ASOCIACION DE EMPLEADOS DEL ELA

ATTN IRITZA ORTIZ ECHEVARRIA

PO BOX 364508

SAN JUAN PR 00936-4508

FIRSTBANK PR

PO BOX 9146

SAN JUAN, PR 00908-0146

COOPERATIVA A/CLAS PIEDRAS

APARTADO 414

LAS PIEDRAS PR 00771-0414

Citi

PO Box 6190

Sioux Falls, SD 57117-6190

(p) PUERTO RICO TELEPHONE COMPANY DBA CLARO PR

PO BOX 360998

SAN JUAN PR 00936-0998

Coop A/C Las Piedras

Apartado 100

Las Piedras, PR 00771-0100

DEPARTMENT OF TREASURY

BANKRUPTCY SECTION 424 B

PO BOX 9024140

SAN JUAN, PR 00902-4140

Departamento de Hacienda

PO Box 9024140

San Juan, PR 00902-4140

FIRST BANK

CONSUMER SERVICE CENTER

BANKRUPTCY DIVISION -CODE 248

PO BOX 9146, SAN JUAN PR 00908-0146

(p) JEFFERSON CAPITAL SYSTEMS LLC

PO BOX 7999

SAINT CLOUD MN 56302-7999

PayPal Credit CVSC/SYNCB

PO Box 960080

Orlando, FL 32896-0080

Pentagon Federal Cr Un

1001 N Fairfax St

Alexandria, VA 22314-1797

Pentagon Federal Cr Un

PO Box 1432

Alexandria, VA 22313-1432

(p) PORTFOLIO RECOVERY ASSOCIATES LLC

PO BOX 41067

NORFOLK VA 23541-1067

SBA US Small Business Administration

PO Box 3918

Portland, OR 97208-3918

Synchb/netwrk

C/o

PO Box 965036

Orlando, FL 32896-5036

Synchb/ppmc

PO Box 965005

Orlando, FL 32896-5005

Synchrony Bank

c/o of PRA Receivables Management, LLC

PO Box 41021

Norfolk, VA 23541-1021

T Mobile/T-Mobile USA Inc

by American InfoSource as agent

PO Box 248848

Oklahoma City, OK 73124-8848

(p) T MOBILE

C O AMERICAN INFOSOURCE LP

4515 N SANTA FE AVE

OKLAHOMA CITY OK 73118-7901

World Financial Corporation

PO Box 364027

San Juan, PR 00936-4027

CARLOS RUBEN RUIZ ORTIZ

BRISAS EMAJAGUAS

33 FLAMBOYAN ST

MAUNABO, PR 00707-3803

MONSITA LECAROZ ARRIBAS

OFFICE OF THE US TRUSTEE (UST)

OCHOA BUILDING

500 TANCA STREET SUITE 301

SAN JUAN, PR 00901

OSMARIE NAVARRO MARTINEZ

CHAPTER 13 TRUSTEE

PO BOX 9024062

SAN JUAN, PR 00902-4062

ROBERTO FIGUEROA CARRASQUILLO

PO BOX 186

CAGUAS, PR 00726-0186

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

AEELA
PO BOX 364508
SAN JUAN, PR 00936-4508

(d) AEELA
PO Box 364508
San Juan, PR 00936-4508

Claro
PO Box 360998
San Juan, PR 00936-0998

Jefferson Capital Systems LLC
Po Box 7999
Saint Cloud Mn 56302-9617

Portfolio Recovery Associates, LLC
POB 12914
Norfolk VA 23541

T-Mobile
12920 SE 38th St # Stre
Bellevue, WA 98006-1350

End of Label Matrix	
Mailable recipients	26
Bypassed recipients	0
Total	26